

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF A LOCAL RULE
FOR GRANT COUNTY

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Case No. 27S00-1110 -MS- 590

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Grant Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Grant Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR27-TR79-3 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Grant County Local Rule, LR27-TR79-3, set forth as an attachment to this Order, is approved effective October 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Mark Spitzer, Grant Circuit Court, 101 East Fourth Street, Marion, IN 46952-4010; the Hon. Warren Haas, Grant Superior Court 3, 101 East Fourth Street, #306, Marion, IN 46952-4010; the Hon. Dana J. Kenworthy, Grant Superior Court 2, 101 East Fourth Street, #306, Marion, IN 46952-4004; the Hon. Jeffrey D. Todd, Grant Superior Court 1, 101 East Fourth Street, #306, Marion, IN 46952-4010; to the Clerk of the Grant Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Grant Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 3rd ^{Oct.} day of ~~September~~, 2011.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR-27 TR 79-3
SELECTION OF SPECIAL JUDGES IN CIVIL CASES

When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 and a Special Judge is not selected under Trial Rule 79(D), (E) or (F) of the Indiana Rules of Trial Procedure, or if a regular Judge of the Grant Circuit or Superior Court disqualifies under Trial Rule 79(C), then the remaining three (3) courts shall constitute the successor courts from which the Clerk shall select a court for transfer. This shall be done in the following manner:

A. Random selection of the successor courts shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with four (4) identical balls. Each of the four (4) balls will be designated for one of the four (4) courts of record in Grant County. The Clerk shall remove the ball representing the Court from which there has been a change of judge granted, leaving the other three balls in the box and the Clerk shall then randomly select one of the three balls from the box. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge of the selected Court of the selection of that Court as a successor Court.

B. If the Judge of the first successor Court is not eligible to serve by disqualification or recusal then the balls representing the remaining two Courts shall be placed in the box and the Clerk shall remove one of those two balls and again enter the name of Court on the CCS indicating that the third Court shall be named as the second successor Court.

C. If the Judge of the second successor Court is not eligible to serve by disqualification or recusal then the last remaining Court shall be named as the third successor Court.

D. The successor Judge selected by this random selection method must accept jurisdiction of the case unless the Judge is disqualified, ineligible or excused pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure.

E. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of Courts in Administrative District 14 outside of Grant County. The named Special Judge shall be selected by numerical sequence by court identifier. For example, the first Judge selected by this method would be from Madison Circuit Court 1. The next Judge would be selected from Madison Circuit Court 2 and so on. The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.